

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13574, of John B. Coleman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in an R-5-D District at the premises 2110-2112 Massachusetts Avenue, N.W., (Square 67, part of Lot 59).

HEARING DATE: October 14, 1981

DECISION DATE: October 14, 1981 (Bench Decision)

ORDER

1. The subject application was scheduled for the public hearing of October 14, 1981.

2. By letter of October 12, 1981, counsel for the applicant advised the Board that the applicant requested permission to WITHDRAW the application. Counsel stated that the parking lot which is the subject of the application is adjacent to and serves the Fairfax Hotel at 2100 Massachusetts Avenue, N.W. On or about November 6, 1978, the various lots occupied by the parking lot and the Fairfax were subdivided to form a single lot of record, Lot 59. Subsequent to the filing of the application herein, the Zoning Administrator of the District of Columbia ruled, that by virtue of that subdivision, the parking is an accessory use to the Fairfax Hotel, the principal use on Lot 59. The parking lot is therefore permitted as a matter of right and an extension of the prior special exception in order to operate a parking lot as accessory parking for the hotel is not required.

3. On October 1, 1981, the Zoning Administrator concurred in writing that the special exception is no longer required to use the parking lot as accessory parking.

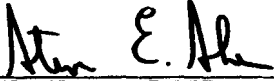
4. By letter of October 13, 1981, Advisory Neighborhood Commission - 2B objected to the request to withdraw. At the public hearing the opposition requested that the application be denied on the grounds that the subject lot in the past had not been limited to accessory use parking for the customers and employees of the Fairfax Hotel and that it had been used by others in the neighborhood.

5. If the subject lot is used for purposes other than accessory parking for the Fairfax Hotel, approval as a special exception would still be required. If the lot is approved by the Zoning Administrator as accessory parking, but is operated as a commercial parking lot, the opposition could pursue its remedies of enforcement with the Zoning Administrator.

The Chair ruled that the opposition's motion to DENY the application was DENIED and the applicant's motion to WITHDRAW was GRANTED. It is so ORDERED.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 NOV 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."